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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TONY GIOVANNI JOSEPH, )  
 )  
Defendant. )

No. CR 12-0058 JSW

**~~PROPOSED~~ ORDER GRANTING  
MOTION TO DETERMINE MENTAL  
COMPETENCY**

On May 3, 2012, the Court held a status hearing in this matter. During that hearing, counsel for the defendant moved for a hearing to determine the defendant's mental competency. Counsel for the government joined in that motion. In response to that motion, the Court hereby ORDERS:

(1) The motion for a hearing to determine the defendant's mental competency is granted.

(2) Under the direction of Pretrial Services, the defendant is to be examined by a local mental health professional. That professional shall be determined by Pretrial Services.

(3) The evaluating professional shall prepare a report with regard to the defendant's

competency. This report shall initially be provided to the Court and to defense counsel. If defense counsel believes that redaction of any portion of the report is necessary, counsel shall have one week to prepare any proposed redactions and to submit the report to counsel for the government.

- (4) The examiner shall not directly ask Mr. Joseph if he is guilty of the charged offenses.
- (5) None of Mr. Joseph's statements to the examiner may be used against him in a trial of the charges, whether it is in the Government's case in chief or to impeach Mr. Joseph if he testifies.
- (6) A status hearing shall be held on July 19, 2012, at 2:00 p.m. In the event that the parties need additional time, they can move the Court to change this date.

IT IS SO ORDERED.

DATED: June 5, 2012

  
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THE HONORABLE JEFFREY S. WHITE  
United States District Judge